

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF NORTH BRUNSWICK  
AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH  
MICHAEL POLICASTRO, ESQ.  
TO SERVE AS PUBLIC DEFENDER**

**WHEREAS**, the Township of North Brunswick has a need to acquire professional services as Public Defender; and

**WHEREAS**, on October 17, 2011 the Township Council of the Township of North Brunswick approved Resolution 275-10.11 authorizing the issuance of Requests for Proposals for professional services to perform the duties as Public Defender in the North Brunswick Municipal Court; and

**WHEREAS**, services were procured in formal manner under N.J.S.A. 40A:11-4.1a et under both a fair and open and competitive process to assure that each person and/or firm is provided an equal opportunity to submit a proposal; and

**WHEREAS**, the Purchasing Director received, and the Deputy Municipal Clerk witnessed, the receipt of one proposal for said professional services on November 30, 2011; and

**WHEREAS**, while the proposal Michael Policastro, Esq. submitted was unresponsive the Purchasing Director has determined the anticipated aggregate value of professional services is not anticipated to exceed \$17,500.00; and

**WHEREAS**, Administration, Purchasing and Legal Counsel have reviewed the submission of Michael Policastro, Esq. and determined him qualified for the position; and

**WHEREAS**, it is in the best interest of the Township of North Brunswick to enter into an agreement with Michael Policastro, Esq. (304 South Main Street, Milltown, New Jersey 08850) to serve in the position as Public Defender for calendar year 2012; and

**WHEREAS**, compensation for these services shall be paid at a rate of \$200.00 per session, for regular and special sessions as scheduled by the Court Administrator, \$50.00 per Court Administration approved consultation, and reimbursable expenses in an amount not to exceed \$17,000.00 for calendar year 2012; and

**WHEREAS**, the Chief Financial Officer has certified that \$12,000.00 is available for this purpose in account 2-01-43-495-000-181 for services ending June 30, 2012 and the balance of funds shall be certified upon the appropriation of funds in FY 2013.

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that a resolution authorizing the award of contract for "professional services" without competitive bids must be publicly advertised; and

**NOW, THEREFORE, BE IT RESOLVED** on this 2<sup>nd</sup> day of January, 2012, that the Township Council of the Township of North Brunswick does hereby authorize the Mayor to execute and the Township Clerk to witness an agreement with Michael Policastro, Esq. to perform the duties as Public Defender in the North Brunswick Municipal Court for calendar year 2012.

**BE IT FURTHER RESOLVED** that this contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public contracts Law, N.J.S.A. 40A:11-5(1) since this contract is for services performed by a business authorized to practice a recognized profession and it was not necessary to obtain competitive bidding.

**BE IT FURTHER RESOLVED** notice of this action shall be published in the Home News & Tribune as required by law within 10 (ten) days after its passage.